

## Fair Political Practices Commission

### Memorandum

**To:** Chairman Randolph, Commissioners Blair, Downey, Karlan, and Knox,  
**From:** Mark Krausse, Executive Director  
**Subject:** Legislative Report  
**Date:** December 31, 2003

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The 2003/04 general session of the Legislature is currently in recess and will reconvene on January 5, 2004. The Governor has until January 10, 2004, to propose a state budget for 2004-05. New legislation must be introduced by February 21, 2004.

<i>Informational Items</i>		<b>Bills Amending the PRA</b>	
Bill No.	Author	Title	Introduced/Amended

**AB 890 Wesson Last-term member fundraising Amended 8/28/03**

This bill was a recent “gut and amend” to allow an elected state officer serving his or her last permitted term of office to accept contributions after the date of the election. It is similar to SB 467 (Johnson), except that the Johnson bill would impose Proposition 34’s contribution limits on any post-election fundraising. This bill would do so only for committees formed for post-Proposition 34 elections. **Urgency clause. In Senate Rules pending assignment.**

**Commission Position: Oppose unless amended/Support if amended.**

**AB 1197 Wiggins School Officials: Conflicts of Interest Amended 8/28/03**

Includes in the definition of “designated employee” any board member, chief business officer, superintendent, assistant superintendent, deputy superintendent, associate superintendent, chief personnel officer, and general counsel of a public school district or county office of education, and equivalent positions, and any individual having governance or management responsibility in a charter school. **On Senate Floor. Failed passage, 25-15. (27 votes required).**

**Reconsideration granted.**

**AB 1501 Levine Voluntary expenditure limits Amended 8/26/03**

Allows a state candidate to change his or her statement accepting or rejecting the voluntary expenditure limits at any time prior to the deadline for filing nomination papers, provided that he or she has not exceeded the voluntary limits. **On Assembly Floor awaiting concurrence in Senate amendments. Commission Position: Support.**

## **Informational Items — Bills Amending the PRA (cont'd)**

Bill No.	Author	Title	Introduced/Amended
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### **AB 1623 Longville Public Financing of Elections: Freedom Drafts Amended 4/21/03**

Repeals the prohibition on using public funds to obtain elected office. Provides for the creation of "Freedom Drafts," defined as a claim on an amount in the State treasury, for an individual to make one or more contributions to an eligible recipient, on a form prescribed by the Secretary of State, in the amount of not less than \$10 each, and which in the aggregate do not exceed \$100 in a calendar year. **In Assembly Elections.**

### **AB 1678 Negrete-McLeod Public Officials**

**Chaptered 10-11-03**

This bill would apply to all public officials the PRA's ban on the influencing of any governmental decision relating to those with whom a public official is negotiating, or has any agreement concerning, future employment. **Enrolled to Governor. Commission Position: Support if amended to add \$145,000 appropriation for increase in Commission workload.**

### **AB 1784 Wolk Political consultant/ lobbyist behavior**

**Amended 8/28/03**

Prohibits legislators from participating in decisions in connection with which a lobbyist, with whom the legislator has a business relationship, has attempted to influence the legislator. Defines business relationship, and requires legislators who recuse themselves under this section to disclose the nature of the business relationship on the record. **Urgency Clause. In Assembly Elections. To be heard on January 6, 2004. Recommendation: Support if amended.**

### **AB 1785 Frommer Political consultant/ lobbyist behavior**

**Amended 8/27/03**

This bill prohibits a lobbyist from contacting a legislator with whom the lobbyist has or had a contract to provide political consulting services during the two year period for the purpose of influencing legislative action. **Urgency Clause. In Assembly Elections. To be heard on January 6, 2004. Recommendation: Support if amended.**

### **SB 467 Johnson Last-term-officeholder fundraising**

**Introduced 2/20/03**

Allows an elected state officer serving his or her last term to accept contributions to pay for expenses associated with holding that office. The contributions are subject to Prop. 34 limits. **In Senate Elections.**

### **SB 530 Johnson SOS Lobbyist Directory**

**Amended 9/5/03**

Required the Secretary of State to establish the Internet Directory of Lobbyists, but has been rewritten to address Presidential elections, and no longer affects the PRA. **Withdrawn from Governor and to Assembly Floor.**

### **SB 604 Perata Cumulative contributions**

**Amended 6/10/03**

Reintroduction of SB 3 (Commission sponsored) of last session, joined with several other provisions. Defines "cumulative contributions" to be those contributions received beginning 12 months prior to the date the committee made its first expenditure to qualify, support, or oppose the measure and ending within seven days of the time the advertisement is sent to the printer or

## **Informational Items — Bills Amending the PRA (cont'd)**

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broadcast station. Also modernizes the language of the Act relating to the filing of a statement of organization by deleting a reference to filing by telegram, and adds methods for filing, including facsimile transmission and guaranteed overnight delivery. Recently amended to reform the slate mail disclosure statutes at issue in Levine v. FPPC. **On Assembly Floor. Urgency clause.**

**Commission Position: Sponsor.**

### **SB 641 Brulte Campaign expenditures: telephone advocacy Amended 7/1/03**

This bill would change the definition of “mass mailing” found in the Act from “mail” to a specific definition of what items delivered to a person constitute a mass mailing. It also adds language to the act prohibiting the expenditure by a candidate, committee or slate mail organization for anonymous telephone advocacy for a candidate, ballot measure, or referendum. The author accepted an amendment requested by the Commission to maintain a record of the call’s script or in the case of a prerecorded message, a taped copy. This would not apply to telephone calls made by the candidate, campaign manager, or volunteers. The author rejected a Commission sponsored amendment requiring disclosure at the beginning of the call, but took Commission language regarding retention of text or recording of content of message. **Urgency clause. In Assembly Elections. Hearing cancelled at request of the author.**

### **SB 733 Johnson Political Reform Act spot bill Introduced 2/21/03**

Placeholder measure. **In Senate Rules Committee for assignment.**

### **SB 1072 Burton Political Reform Act: Late Contributions Amended 6/9/03**

Adds contributions made to or received by a political party committee after the closing date of the last campaign statement required to be filed before an election to the definition of late contribution. Commission-drafted amendments were taken on 6/9/03. **On Assembly Floor. Failed passage, 46-1. Commission Position: Support.**

### **SCA 14 Vasconcellos Political Reform Introduced 9-12-03**

This bill would establish the FPPC, California Economic Strategy Panel (CESP) and the California Redistricting Commission by constitutional provision. It would establish the Clean Campaign Fund, administered by the FPPC and providing public funds to candidates under certain conditions. It would require the FPPC to license and monitor campaign consultants. It would change voting options and primary election dates. It would increase the numbers of Senators and Members of the Assembly and their terms of office. It would change the voting requirement for General Fund appropriations from a 2/3 vote to a majority vote. It would place additional responsibilities on the CESP. It would make the Legislative Counsel responsible for redistricting, revise redistricting standards and create the CRC for the purpose of advising the Legislative Counsel. **In Senate Rules.**